

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**ZANE TYRONE GRAY, III**

**Plaintiff,**

**v.**

**SMITHFIELD FARMLAND CORP.**

**Defendant.**

**CIVIL ACTION NO.: 2:17cv282**

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Smithfield Farmland Corp. (“Smithfield” or the “Company”), by counsel, pursuant to 28 U.S.C. § 1441 *et seq.*, removes this civil action, originally filed in the Circuit Court for the City of Norfolk, to this Court and states as follows:

1. On May 4, 2017, Zane Tyrone Gray, III (“Plaintiff”) filed a Complaint in the Circuit Court for the City of Norfolk (Case No. CL17005239-00). Defendant was served with a copy of the Complaint and Summons on May 11, 2017. A copy of the Complaint and Summons is attached hereto as **Exhibit A**.

2. Plaintiff alleges that he was wrongfully terminated in violation of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601 *et seq.*

3. The United States District Court for the Eastern District of Virginia has federal question jurisdiction over Plaintiff’s FMLA claim pursuant to 28 U.S.C. § 1331, which provides this Court with original jurisdiction over all civil actions arising under Federal law.

4. Venue is proper in the United States District Court for the Eastern District of Virginia pursuant to 28 U.S.C. § 1441(a), as this Court embraces Norfolk, Virginia the place where the action was originally filed.

7. Defendant will promptly provide written notice of the filing of this Notice to the Clerk of the Circuit Court for the City of Norfolk and Plaintiff's counsel, as required by 28 U.S.C. § 1446(d). A copy of that notice is attached hereto as **Exhibit B**.

**WHEREFORE**, Defendant, by counsel, and pursuant to 28 U.S.C. § 1441 *et. seq.*, removes this civil action, originally filed in the Circuit Court for the City of Norfolk (Case No. CL17005239-00) to this Court and respectfully asks this action proceed in this Court.

Respectfully submitted this 26th day of May, 2017.

SMITHFIELD FARMLAND CORP.

By: /s/ Elena Marsteller\_\_\_\_\_

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***Attorneys for Smithfield Farmland Corp.***

**CERTIFICATE OF SERVICE**

I certify that on May 26, 2017, I electronically filed the foregoing document using the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record, including Plaintiff's Counsel below. I will also serve Plaintiff's Counsel by first class mail.

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By: /s/ Elena Marsteller